

## **MONTANA TRAPPING ADVISORY COMMITTEE**

July 10 - 11, 2018 (Meeting #1)

### **Session Summary**

#### **SESSION OBJECTIVES**

1. Meet each other, affirm the Committee's Charter, and clarify roles in the process.
2. Develop understanding of trapping as it relates to the Montana Constitution, the Public Trust doctrine, and FWP's Vision and Guide for 2016-2016.
3. In general, collectively learn about trapping in Montana including history, the 1999 Trapping Advisory Committee work, and current regulations and practices.
4. Review and get started on the collaborative process and set the timeline.

#### **COMPLETED AGENDA ITEMS/OBJECTIVES**

##### **Reviewing and Affirming the Committee Charter**

##### **The Committee affirmed their understanding and acceptance of the following Charter.**

###### **2018 MONTANA TRAPPING ADVISORY COMMITTEE CHARTER**

Original Charter September 26, 2017 – revised May 2, 2018 to accommodate new dates  
Hunting and trapping of managed species in Montana is highly regulated by Montana Fish, Wildlife and Parks (FWP) so that population viability of those species is protected. Yet trapping in particular has been and remains controversial. Therefore, Montana Fish, Wildlife and Parks will assemble a citizen committee representing the spectrum of opinions on trapping that will provide recommendations to FWP that ensure population viability of trapped species, the humane treatment of animals, and minimize social conflict.

FWP will put out a call for participation through newspapers, social media and on our website. Applications will be reviewed by FWP with the final selection by the Director of approximately 12 people who represent the geography of Montana, the spectrum of opinions on trapping, and who can respectfully work together to address issues and reach consensus. FWP wants people who are solution-oriented and respectful of diverse opinions, not people with an exclusive unilateral agenda. Committee members will be expected to participate in 3 – 4 meetings that will be professionally-facilitated by a non-FWP person over six to eight months, and present recommendations to FWP by March 30, 2019. FWP will not be a member of the committee, but will provide technical and information assistance.

The committee will not consider whether or not there will be trapping in Montana. Trapping is a legal activity, a sound wildlife management practice and a legitimate use of wildlife, and is well represented in Montana's history and culture. Through this collaborative effort, FWP looks to ensure trapping will continue. It is protected by the Montana Constitution's Article IX in the Preservation of Harvest Heritage Section 7. Also, in FWP's Vision and Guide for 2016-2026, the department states that it values "the continued importance of hunting, fishing, trapping, and other outdoor recreation to Montana's culture and conservation ethic."

Eighteen years ago, in 1999, Montana Department of Fish, Wildlife and Parks' then director, Pat Graham, assembled a similar Trapping Advisory Committee to "Identify recommendations for the Director's consideration to minimize conflicts between land-use practices, outdoor recreation and trapping." That committee made nine recommendations to the Director, many of which have been implemented. At a minimum, this Trapping Advisory Committee will review the recommendations of the 1999 committee, including the controversial issue of trap check time, and will evaluate those recommendations as part of its charge. This effort will also provide opportunity for other trapping-related specifics to be discussed and reviewed.

### **Establishing Discussion and Process Ground Rules**

Committee members created the following ground rules to encourage productive and “safe” discussion in the session and throughout the process:

- Listen actively and honorably.
- Manage your own communication (allow the other to finish; avoid side conversations at the table unless part of the process).
- Allow the facilitator to remind individuals/the group about the ground rules.
- Arrive at common definitions... and use them.
- Respect each individual’s right to their opinion – even if you don’t agree.
- Define problems and seek solutions – rather than finding opportunities to further one’s agenda.
- Encourage data... science based discussion and solutions. Use data to explore “fair standards”.
- Do your homework so you are prepared for the next meeting.
- Work to find consensus. When agreement is not reached, allow the facilitator to use an interest-based approach to try to build a collaborative solution. When agreement still cannot be reached, the group will decide how to forward their outcome on that issue to the Department/Commission. If a Committee member is absent, the group will move ahead rather than revisiting issues.
- Refer media contacts to John Vore.
- Refer questions from others to the meeting summaries on the Department website.
- Avoid using email to build agreement or cliques around a particular solution.

### **Creating Discussion Context**

The Committee heard about and had clarifying questions related to the legal framework and legislative clarification around the Public Trust Doctrine and the North American Model of Wildlife Conservation (Chris Smith, Wildlife Management Institute) the Montana Constitution & preservation of harvest heritage, FWP’s Vision and Guide document for 2016-2026, and FWP & the Commission (How it works, who makes what decisions and why) (Becky Dockter, FWP Chief Legal Council)

The Committee also explored and learned about trapping in Montana including history and background (John Vore, FWP Game Management Bureau Chief); trapping Best Management Practices (BMP’s) (Tim Hiller, Wildlife Ecology Institute); current regulations and practices in Montana (Harold Guse – FWP Warden Captain); and traps and trapping equipment (Jay Kolbe, FWP Biologist)

### **Developing collective understanding about the facilitated collaborative process**

The facilitator explained pieces of the collaborative process based on interest-based problem-solving including “interests” of the Committee members; identification of “important questions” to be addressed in the process; guiding principles to define and narrow the decision space; and the importance of being moved by principles and data rather than power. She started the group with the following:

### **Identifying individual Committee member “interests”**

Individual Committee members wrote the following “interests” related to this process. The following is a compiled list of those interests.

#### **It is in “my” interest to:**

- Solve problems with education.
- Represent the trappers from my region.
- Represent the stock growers from my region.
- Promote the conservation of wildlife populations and the humane treatment of individual wild animals.
- Share my perspective on the importance of daily trap checks and listen carefully to others’ perspective on that issue.
- Increase public understanding of what trapping is.
- Make trapping as humane as possible.
- Learn from all involved parties (whether I like the answers or not).
- Better express my benefits from trapping: outdoor experience; learning part of the process.
- Expose trappers to the views and experience I have on the physical ramifications of trapping.
- Discuss and provide relief to the thousands of Montana urban dog owners to have designated trap free dog exercise public lands and hiking trails.
- Have some real discussion about what can be done to minimize the capture of non-game, raptor and other non-targets through regulation and equipment requirements.
- Get leash laws on dogs on public ground.
- Get WCO’s licenses.
- Protect wildlife.
- Protect trapping.
- Have trappers and non-trappers use and respect the same lands.
- Have ethics promoted in all recreational activities.
- Be respectful.
- Listen to learn.
- Make trapping safe for non-target animals.
- Understand why people feel the need to trap.

**A first cut at “important questions”**

The following is the Committee’s initial brainstormed list of “important questions” that need to be discussed in the process and any data they felt would help inform the discussion. For discussion purposes, the facilitator drafted the following groupings – the groupings are not in any rank order of importance (and may be changed by the Committee at the 2<sup>nd</sup> meeting).

- A. Is trapping constitutionally protected in Montana and if so, what language in the Constitution protects it?
  
- B. How is trapping supported financially by/within FWP?  
What is the data related to the number of trappers who pay for a license to trap in Montana?  
What direct income do Trappers bring to FWP and what might be the income from supporting industries?
- C. What is the spectrum of trappers and their activities (e.g., recreation, livelihood, predator control, cultural/historical, etc.)? Might certain regulations be applicable to different kinds of trappers?
  
- D. What is meant/how do we collectively define terms like “ethical” and/or “positive trapping behaviors/actions”?  
What are the varying/different impacts on animals from different kinds of traps?  
Based on our definitions, are there particular traps that should be encouraged and why?
  
- E. What behaviors related to trapping need to be addressed?  
What can be done about “bad” (outlaw) trappers? What can be done about unethical trapping?  
What “tickets”/fines are given for what infractions related to trapping?  
Geographically, where are the most tickets given?
  
- F. How might a particular problem be best resolved – education, regulation, enforcement, consequences, etc.  
How can the public be made aware of traps – where, when, how, etc. – to decrease negative interactions between traps and the general public?  
What is the rate of citation for pets at large (e.g., off leash in a leash area; chasing wildlife, etc.)?  
How can we educate/promote responsible pet ownership in areas with wildlife and where trapping occurs?  
What are the statistics about how many domestic animals are treated for trap-related injuries compared to injuries from other things?  
What options are there for implementing an education program related to trapping?
  
- G. What role should enforcement play?  
What can be done to help enforcement?  
What information do we need to inform recommendations related to enforcement and trapping?
  
- H. What are the regulations for the Montana Department of Agriculture related to trapping on private land and how are those regulations different from FWP?  
What authority does FWP have on private land related to trapping?  
Where FWP does not have authority related to trapping, what can be done?

- I. How can we get useful data related to non-target species and how can we use it for useful analysis?  
How do we collectively define “non-target” species? What do we mean by “non-target” and “incidental”?  
What data is available related to incidental catch; what does FWP do when this happens?  
How can incidental catch data be more effective/accurate?
- J. What does a “trap-free” zone look like and how/when might it be useful?  
What approach can/should be used for how death takes place for animals (still alive) caught in a trap – or for release from a trap?  
What do we need to discuss about 24 hour trap checks, mandatory trap checks, etc.?  
What might be alternative methods – lethal or non-lethal – that could be used in place of trapping – when, where, etc.?
- K. What outcomes do we desire related to trapping? How will our accepted recommendations be evaluated for effectiveness related to our desired outcomes?  
How can the Committee forward issues to FWP where they cannot reach agreement and/or it involves another entity beyond the Department?

### **Revisiting the process timeline; setting the calendar for the next meetings**

John Vore reminded the Committee that the Commission expects its final recommendations by March 2019. The Committee set the next 2 meeting dates and locations for the process:

- August 28, 29 – Butte (meeting places and times to be announced)
- October 6, 7 – Miles City

Committee progress will determine the last date before the March Commission meeting.

### **Where do we go from here?**

#### **Committee members not in attendance**

John Vore will explain the process and will bring the absent members up to date using the meeting summary.

#### **Homework**

##### **Committee members**

- Review this meeting summary including the compiled Committee member “interests”.
- Review the 1999 Trapping Advisory Committee report.
- Read the current Montana trapping regulations to the point that you are conversationally literate; identify your clarifying questions.
- Identify 5 to 7 people for your “trapline” – people who don’t necessarily share your viewpoints about things. In conversational terms, ask them the following: “What do you think about trapping in Montana?” Be prepared to briefly discuss your findings as an icebreaker at the 2<sup>nd</sup> meeting in August in Butte.
- Look at the Western Association of Fish and Game Agencies website to further information about trapping in other states.
- Start to think about what you consider “guiding principles”

**Homework cont.**

FWP

- Distribute the meeting summary to the members of the Committee.
- Put the meeting summary on the Department website.
- Bring the absent Committee members up to speed on the results of this first meeting and assist them in writing their “interests” in preparation for the 2<sup>nd</sup> meeting.
- Act as a conduit for data submitted by Committee members by distributing it (or the web site) to all the members.
- Inform the Committee members about the location of the August Butte meeting and distribute/publicize the agenda for that meeting.

Facilitator

- Prepare the meeting summary and send to John Vore.
- Work with John to prepare the agenda and needed materials for the August Butte meeting.
- Review all the materials distributed to and through the Committee.
- Be ready to facilitate the August Butte meeting.